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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,311	11/20/2001	Anuraag Agrawal	6541-59028	9516
33265	7590	01/12/2007	EXAMINER	
KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET, SUITE 1600 ONE WORLD TRADE CENTER PORTLAND, OR 97204			LE, NHAN T	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/12/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/989,311	AGRAWAL, ANURAAG
	Examiner Nhan T. Le	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 October 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17-22 and 37-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 17-22 and 37-43 is/are rejected.  
 7) Claim(s) 44, 45 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 17-22, 41-42, 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Tran et al (US 6,049,713).

As to claim 17, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as the result of querying to determine if the application has been recently accessed. Friskel teaches wherein the status record is modified as the result of querying to determine if the application has been recently accessed (see col. 2, lines 49-59, col. 6, lines 63-67, col. 7, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Friskel into the system of Aravamudan in order to determine the online status of the users using the application window to initiate the real time messages (as suggested by

Friskel col. 2, lines 49-59). The combination of Aravamudan and Friskel fails to teach evaluating a timeliness indicator associated with the message; and processing the message based on the evaluations, the processing comprising; determining whether to deliver the message to the selected recipient based at least in part on the timeliness indicator. Tran teaches evaluating a timeliness indicator associated with the message; and processing the message based on the evaluations, the processing comprising; determining whether to deliver the message to the selected recipient based at least in part on the timeliness indicator (see col. 4, lines 56-67, col. 5, lines 1-6, 63-67, col. 6, lines 1-11, lines 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tran into the system of Aravamudan and Friskel in order to store and forward calling line identification to the mobile terminal.

As to claims 18, 50, the combination of Aravamudan, Friskel and Tran teaches comprising obtaining the application presence data from a presence repository (see Aravamudan col. 6, lines 3-30).

As to claims 19, 51, the combination of Aravamudan, Friskel and Tran further teaches comprising obtaining the application presence data from an application server (see Aravamudan col. 5, lines 15-31).

As to claims 20, 52, the combination of Aravamudan, Friskel and Tran further teaches comprising delivering the message to the user if the evaluation indicates that the recipient is available (see Aravamudan col. 9, lines 10-44).

As to claims 21, 53, the combination of Aravamudan, Friskel and Tran further teaches comprising discarding the message if the evaluation indicates that the recipient is unavailable (see Aravamudan col. 8, lines 56-67, col. 9, lines 1-9).

As to claim 22, the combination of Aravamudan, Friskel and Tran teaches comprising directing the message to a destination selected based on the evaluation (see Aravamudan col. 9, lines 10-44).

As to claim 41, the combination of Aravamudan, Friskel and Tran teaches further comprising sending an alert to a user and updating the recipient activity status record based on a response to the alert (see Aravamudan col. 11, lines 40-64).

As to claim 42, the combination of Aravamudan, Friskel and Tran teaches further comprising selecting a time interval, and updating the recipient activity status record based user access to the initiated application during the time interval (see Aravamudan col. 7, lines 41-67, col. 8, lines 1-4).

2. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Maurine (US 6,484,196).

As to claim 37, the combination of Aravamudan and Friskel fails to teach wherein the selected application is at least one of a chat application and an instant messaging application. Maurine teaches wherein the selected application is at least one of a chat application and an instant messaging application (col. 5, lines 55-67, col. 6, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to provide the teaching of Maurine into the system of Aravamudan and Friskel in order to provide users with many different features.

As to claims 38-40, the combination of Aravamudan and Friskel fails to teach wherein the recipient activity status record is associated with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed. Maurille teaches wherein the recipient activity status record is associated with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed (see col. 14, lines 16-67, col. 15, lines 1-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maurille into the system of Aravamudan and Friskel in order to provide users checking the status of other users on the personal message board server.

3. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Barsness (US 2004/0117443).

As to claim 43, the combination of Aravamudan and Friske fails to teach wherein the application presence data is contained within the first network and the initiated application is executing on second network. Barsness teaches wherein the application

presence data is contained within the first network and the initiated application is executing on second network (see Barsness paragraph 0048). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Barsness into the system of Aravamudan and Friskel in order to provide users with the potential useful information.

4. Claims 44, 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Ogle et al (US 6,430,604) further in view of Tran et al (US 6,049,713).

As to claim 44, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified without initiating the application. Ogle teaches wherein the status record is modified without initiating the application (see col. 12, lines 58-67, col. 13, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Ogle into the system of Aravamudan in order to determine the availability of the particular recipients. The combination of Aravamudan and Ogle fails to teach evaluating a timeliness indicator associated with the message; and processing the message based on the evaluations, the processing comprising; determining whether to deliver the message to the selected recipient based

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at least in part on the timeliness indicator. Tran teaches evaluating a timeliness indicator associated with the message; and processing the message based on the evaluations, the processing comprising; determining whether to deliver the message to the selected recipient based at least in part on the timeliness indicator (see col. 4, lines 56-67, col. 5, lines 1-6, 63-67, col. 6, lines 1-11, lines 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tran into the system of Aravamudan and Ogle in order to store and forward calling line identification to the mobile terminal.

As to claim 46, the combination of Aravamudan, Ogle and Tran teaches comprising obtaining the application presence data from a presence repository (see Aravamudan col. 6, lines 3-30).

As to claim 47, the combination of Aravamudan, Ogle and Tran further teaches comprising obtaining the application presence data from an application server (see Aravamudan col. 5, lines 15-31).

As to claim 48, the combination of Aravamudan, Ogle and Tran further teaches comprising delivering the message to the user if the evaluation indicates that the recipient is available (see Aravamudan col. 9, lines 10-44).

As to claim 49, the combination of Aravamudan, Ogle and Tran further teaches comprising discarding the message if the evaluation indicates that the recipient is unavailable (see Aravamudan col. 8, lines 56-67, col. 9, lines 1-9).

5. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Kennedy et al (US 6,535,743).

As to claim 45, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as a result of query to determine if the application has been recently initiated. Friskel teaches wherein the status record is modified as a result of query to determine if the application has been recently initiated (see col. 2, lines 49-59, col. 6, lines 63-67, col. 7, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Friskel into the system of Aravamudan in order to determine the online status of the users using the application window to initiate the real time messages (as suggested by Friskel col .2, lines 49-59). The combination of Aravamudan and Friskel fails to teach wherein the presence data comprises an indicator of whether a cell phone associated with the selected recipient is operating in data mode. Kennedy teaches wherein the presence data comprises an indicator of whether a cell phone associated with the selected recipient is operating in data mode (see fig. 11, number 432, col. 25-67, col. 26, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to provide the teaching of Kennedy into the system of Aravamudan and Friskel in order to exchange information between the mobile terminal and network switching center.

***Allowable Subject Matter***

6. Claims 54, 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 54, the applied reference fails to teach wherein the message is associated with an event time, and wherein processing the message based on the evaluations further comprises discarding the message as a result of a determination that the application presence data indicates that the user is not available to receive the message before the event time as cited in the claim.

As to claim 55, the applied reference fails to teach wherein the message is associated with an event time, and wherein processing the message based on the evaluations further comprises rerouting the message as a result of a determination that the application presence data indicates that the user is not available to receive the message before the event time as cited in the claim.

***Response to Arguments***

7. Applicant's arguments with respect to claims 17-22, 37-53, 54, 55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

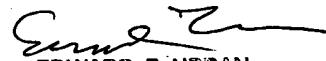
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Le

Nhan Le

  
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